



JohnsonMowat
Planning & Development Consultants

On behalf of Newett Homes

Summary Planning Proof of Evidence

Land north east of Shepley Road,
Stocksmoor, Huddersfield, HD4 6XW

Mark Johnson – Johnson Mowat Planning Ltd

APP/Z4718/W/25/3375000

27th January 2026

Johnson Mowat References

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1. Introduction

- 1.1 My name is Mark Thomas Johnson, I have been appointed to represent the appellants in respect of land off Shepley Road, Stocksmoor. I was appointed by the appellants on 17th September 2025 to address Planning Matters, and act as planning agent and consultant. My Proof covers matters of planning including the site history as Safeguarded Land, the Council's current housing supply and affordable housing position, I draw together matters raised by the Council within the Reasons for Refusal and the concerns raised by the Rule 6 Party and other representations as part of the application and appeal. My evidence has regard to the Development Plan and weight to be attached to relevant policies and addresses the planning balance. I identify benefits of the development proposals and the weight to be afforded to them before measuring these against and identified harms.
- 1.2 I conclude that the benefits of the development proposals far outweigh any identified harms and that the appeal should be allowed and planning permission granted.

2. Proposed Development

- 2.1 The Proposed Development comprises 50. no residential dwellings with associated landscaping and infrastructure.
- 2.2 The proposed point of access is considered to agreed acceptable in principle, subject to detailed designs and Road Safety Audit to be secured via condition.
- 2.3 There are no internal highway layout matters which would substantiate a Reason for Refusal and there is now agreement between the Council and Appellant that the internal highway arrangement as proposed in Planning Layout Rev G (CD 1.5) is acceptable should the estate remain private, subject to detailed design and Road Safety Audit to be secured via condition. In the event that the estate is sought for formal highway adoption details, that same condition could facilitate minor amendments to the internal highway layout to reach adoptable standards.
- 2.4 A series of off-site highways improvements have been put forward through the application (CD 1.40 and CD 1.41). These were put forward by TPS. In reviewing the improvement scheme and through the preparation of evidence Mr Owen has concluded that these are sufficient to mitigate the development proposals. However, upon further review, Mr Owen has identified a number of further off-site highway improvements which can be accommodated within the adopted highway. These measures provide an alternative scheme that is capable of being secured through an appropriately worded condition, as could the TPS improvement works. Mr Owen's improvements provide operational betterment with additional passing place width/ length and greater intervisibility.

3. Background/ Planning History

- 3.1 There is not relevant planning application history associated with the appeal site. A pre-application was however sought with the Local Authority ahead of the application submission.
- 3.2 Of relevance is however the Local Plan history of the site and the course of events associated with the site's Safeguarded Land Status. The evidence is clear that in the consideration of the identification of the site as a Safeguarded Land site and assessment was undertaken which has due regard to off-site and strategic highways matter. During the Local Plan process a number of Safeguarded Land sites, at the request of the Inspector's were reassessed and, in some cases, removed from the Local Plan as a result of off-site highway matters including highway capacity or suitability. It is clear that the examination process had regard to such matters and as a result of the appeal site's identification as a Safeguarded Land site there is an acceptance that the surrounding highway network is capable of accommodating additional growth and the resulting traffic movements.

4. The Main Issues

- 4.1 At the time of the appeal submission the main issues were considered to be those matters which formed the Council's Reasons for Refusal relating to 1) detrimental impact of development traffic on the local highways network, namely Stone Wood Lane, would adversely impact the safe efficient movement of traffic by all modes, and be particularly detrimental to active travel users, 2) insufficient information supporting the application relating to the requirements to support local infrastructure.
- 4.2 It is agreed that Reason for Refusal 2 would fall away upon agreement of a suitable worded condition.
- 4.3 In addition to these main issues, the Rule 6 Party has introduced a number of concerns which the evidence of the Council seeks to address. Outside of the reasons for refusal the Rule 6 Party Statement of Case raises the following matters:
- Impact on Ancient Woodland and alleged deterioration of ancient woodland;
 - Various matters regarding Flood Risk and Drainage including groundwater flood risk of the site, capacity of foul sewers and impact of the drainage proposals on the ancient woodland;
 - Whether the site is located in a sustainable location; and,
 - Whether appropriate ecological survey work have been undertaken to support the application.
- 4.4 It is noted that the Rule 6 Party also raise concern regarding the impact of additional traffic generated by the development on SWL.
- 4.5 To satisfactorily address these matters evidence has been provided by the following individuals and I rely on their conclusions within my evidence.
- Highways and Transportation Proof – Mr Phil Owen, Optima
 - Ecology Proof – Mr Robert Edmonds, SLR
 - Arboricultural Proof – Mrs Helen Kirk, FPCR
 - Flood Risk and Drainage Proof – Mr Gavin Shepherd, Andrew Moseley Associates

5. Development Plan Compliance and Other Material Considerations

- 5.1 The Kirklees Local Plan was adopted in 2019 and has not been subject to formal review. It is therefore over five years old. I am satisfied that policies relating to the housing requirement (Spatial Development Strategy) are out of date as the housing requirement, and distribution of development that follows from that requirement, fall short of the Local Housing Need figure for the district.
- 5.2 Whilst there is conflict identified with Local Plan Policy LP6, through the development of this safeguarded land site ahead of formal Local Plan review, the weight to be attached to this conflict is reduced having regard to material considerations including the lack of five year housing land supply and the Council's own Interim Policy to Boost Supply which advocates the use of safeguarded land to boost supply. The Council's five-year housing land supply is stated as 4.18 years as set out in the 2024/25 Annual Monitoring Report.
- 5.3 Policy LP6 is determined to be out of date, as a policy I consider to be most important to the determination of the application. I reach the conclusion it is out of date by virtue of failure of the HDT and lack of five-year housing land supply. I have provided evidence to demonstrate that the housing delivery in the Kirklees District is in a dire state with not a single year since 2014 meeting the housing requirement target and a shortfall of 7325 dwellings accruing over that time period. The weight to be attached to any conflict with Policy LP6 is therefore reduced by its out of datedness.

- 5.4 In circumstances where the Council fail the HDT or cannot deliver a five-year housing land supply, the tilted balance of NPPF para. 11 d is engaged. Within the evidence presented to this appeal, particularly in relation to matters of trees and ecology, I find that there are no strong reasons to refuse planning permission, having regard to footnote 7 of the NPPF. It is reiterated that policies relating to highways safety within the NPPF are not included within footnote 7 and therefore, even in the event that harm is identified to highway safety or operation (not our case), this would not give rise to a strong reason for refusal and disengagement of the tilted balance.
- 5.5 I am clear, having regard to the Proofs of Evidence from my colleagues that there are no conflicts arising with Local Plan policy which justifies refusal of planning permission. To the contrary, I find that the development accords with the development as a whole.
- 5.6 Whilst I acknowledge that a draft NPPF consultation is currently underway this carries very little weight as it is at such an early stage. In any event, I am satisfied that the relevant policies of the draft NPPF, to the determination of this appeal, are not materially different from those within the 2025 NPPF and as such would not change the outcome of the planning determination. The policies of the draft NPPF would support the delivery of these sustainable development proposals.

6. The Reasons for Refusal and Other Relevant Matters

Reason for Refusal 1 – Highways

- 6.1 The evidence of Mr Owen sets out the Appellants evidence against Reason for Refusal 1, regarding the effects of the development on the safety and amenity of highway users.
- 6.2 The evidence presented is clear that the anticipated traffic generation, at a worst scenario of 30 two-way trips in the am and pm peak hour, of which only between 5 -7 dwellings are expected to be distributed along Stone Wood Lane in the peak hours is not considered to give rise to a material impact on the highway network.
- 6.3 Having regard to the series of off-site improvement works, those provided by TPS are deemed to be sufficient to mitigate the development proposals. A series of additional improvements are provided by Mr Owen which would include additional betterment to the current operation situation.
- 6.4 Paragraph 116 of the NPPF is clear that development should only be prevented or refused on highways grounds if there would be **unacceptable impact on highway safety**, or the **residual cumulative impacts on the road network, following mitigation, would be severe**, taking into account all reasonable future scenarios. Mr Owen's evidence is clear that the proposals would not result in an unacceptable impact on highway safety or residual impacts that would be severe. The level of traffic generated by the development can be appropriately accommodate within the local highway network and the off-site improvement works to SWL would result in a benefit to all users.

Other Relevant Matters

- 6.5 Whilst a large number of 'other matters' may be relevant, to a greater or lesser degree, to the assessment of the Proposed Development against the development plan and other policy, I consider that all such matters were addressed in the planning application documents and considered in the determination of the application by the Local Planning Authority, including whether the imposition of planning conditions would be necessary. There is no disagreement on these matters between the Applicant and the Council as indicated in the SOCG.
- 6.6 The evidence of my colleagues has demonstrated that there are no technical matters relating to Arboriculture, Ecology or Flood Risk arising which would give rise to conflict with either Local Policy or any adverse impacts which would be capable of demonstrably outweighing the benefits. Of particular note, having regard to the interrelated matters addressed by my colleagues, it is found that the Proposed Development would not result in the loss of deterioration of the Ancient Woodland.

7. Sustainability Credentials of the Appeal Proposal and the Planning Balance

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The Local Authority are currently unable to deliver the requisite five-year housing land supply, currently stated at 4.18 years' worth of supply, and delivered just 54% in the latest Housing Delivery Test. A delivery threshold that triggers the presumption in favour of development. As such the presumption in favour of development in NPPF para. 11 d applies. I am clear that there are no policies protecting particular assets or areas that would provide a strong reason to refuse permission and disengage the tilted balance.
- 7.3 Under the provisions of the para. 11 d ii) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Planning Balance

- 7.4 This Proof has identified a number of benefits associated with the proposal. The list below provides a summary the benefits identified and attributes weight to each matter.

Benefits:

- Very substantial weight to delivery of housing in the context of no five year-housing land supply on a site which is in a highly sustainable location.
- Very substantial weight to the delivery of affordable housing in the context of historic under delivery of affordable housing across the borough.
- Significant weight to the enhancements of the unnamed watercourse at the proposed surface water outfall including removal of bath and rubbish and provision of top bank habitat enhancement.
- Significant weight to delivery of net arboricultural and green infrastructure benefits including the delivery of 10% net gain.
- Significant weight to the ecological measures embedded within the scheme which would result in significant positive benefits at a local level.
- Significant weight to the offsite highway improvements to SWL.
- Significant weight should be afforded to the economic benefits of the proposal.

Harms:

- 7.5 In terms of adverse impacts, it is identified that the proposal will result in the development of a greenfield site. This carries very limited weight in the context of meeting the borough's local housing need.
- 7.6 A degree of conflict with the development plan has been identified having regard to the site's status as safeguarded land. However, the policy can be attributed limited weight in the context of the housing land supply position and as determined from my evidence, the planning harms that would arise from the development of this site are very limited. The acknowledged development plan conflicts should not weigh heavily against the proposal in the planning balance.
- 7.7 The Council have alleged that there is harm arising through the detrimental impact of development traffic on the local highway network at SWL which would adversely impact the safe and efficient movement of traffic by all modes and be particularly detrimental to active travel users. This Proof



and those of my colleague Mr Owen are clear that the development proposals would generate a level of traffic that would represent a non-material impact. Furthermore, the proposed offsite improvement works to SWL would not only mitigate the low impact of the development proposals but will also provide a betterment to existing users of the route including pedestrians, cyclists, horse riders and drivers. As such no highways harm arises as a result of this appeal proposal.

Overall Balance

- 7.8 Turning to the overall planning balancing exercise, the titled balance is engaged. The limited harms identified through the conflict with Local Plan Policy LP6 would not significantly and demonstrably outweigh the considerable benefits of the proposal. The balance is firmly in favour of a grant of planning permission. It is for these reasons the Appellants respectfully requests the Inspector allows this appeal.